Previous references.

cts 177-10 Sl Nos 1-2.

1911-11

(Courts)

File No. 269-10.

Serial Nos. 1-5.

Later references.

~~cts 269-10 Sl Nos 1-5~~

cts 67 of 11/1-2.

Ct. 28-12-(1-2).

" 216-24-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5.

Part B. for august 1911.

SUBJECT.

Recovery of the institution fee of Rs 225 from M. Basavalingappa of Mysore.

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1 From the Dy Commr, Mysore, No 625 of 8-5-1911

Requests permission of Govt to engage the Public Prosecutor, to conduct execution proceedings in connection with the recovery of an institution fee of Rs 225 due to Govt from M. Basavalingappa appellant in an appeal filed in the Chief Court in forma pauperis.

2 To the Dy Commr Mysore. No J 3250 of 23-5-1911.

Sanctions the engagement of the Public Prosecutor, and states that separate orders will issue as regards the general permission asked for.

G. R. S. 58

3 From The Dy Comr, Mysore No 669 of 2-6-1911

Reports that the amount of fee has been paid by Krishna Chetty and credited to Govt and requests the passing of early orders re the general permission asked for.

4. To The Dy Comrs of Dists, The Public Prosecutors of Bangalore, Mysore and Shimoga Divisions, The Regr Ch. Ct., & The Comptr to Govt.
No J 143-56 of 10-7-11.

Accords general permission to the Dy Comrs of Dts to refer cases like the above to the Public Prosecutors for instituting the necessary proceedings, with the reservation that previous orders of Govt should be obtained in doubtful cases and the Dy Comrs of Dts should be responsible that Govt money is not wasted on bad cases.

5 To The Dy Comr Mysore No J 157 of 10-7-11.

Records his letter No 669 of 2-6-1911

G.R.S. 11] 190-.11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts. File No. 269-10

FILE HEADING.

Recovery of the institution fee of Rs 225 from M. Basavalingappa of Mysore.

From The Dy Commissioner, Mysore District.

No. 625 Dated 8-5-1911 Received 10.5.1911

Diary No. 7827 | Enclos. 2 files Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests permission of Govt to engage the Public Prosecutor to Conduct execution proceedings in Connection with the recovery of an institution fee of Rs 225 due to Govt from M. Basavalingappa appellant in an appeal filed in the Chief Court in forma pauperis &c,

NOTES AND ORDERS.

Subd. The facts of the case are stated in the paper under disposal. It is now proposed to proceed not against the appellant who has been ordered by the Chief Court to pay the

NOTES—First sheet

GPB—15,000—24-4-09

Serial No.

institution fee to Govt. but against one Krishna Chetty, who appears to have purchased a house belonging to Basava lingappa (the said appellant) on the understanding that the amount of the institution fee due to Govt should among other debts, be paid by the purchaser. It is a question for consideration how far Govt have a right to take the proposed course. The claim will be barred by limitation by the 20th July next.

(2) The Deputy Commissioner also brings to notice the inconvenience caused by his having to obtain the previous sanction of Govt to engage the services of the Public Prosecutor in case of the kind under consideration and seeks general permission to refer such cases to the Public Prosecutor for taking necessary proceedings instead of making special reference in each case. This is a point for orders.

P. J.

* Please see sale deed in the records Exh Z

NOTE—Contn. sheet.

SW(11) GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 269 of 1911

Serial No.

Subd for orders 3

Jt Sec (122) SW / 16-5-1911

put up a Copy of the Govt order requiring Govt Sanction in such Cases

16/5/11. SW

4

Subd with G.O. No. 1932-85-Jud 37 dt 02/03 & 16.3.1904. Clause (d) of para (4) thereof requires Govt Sanction for the Conduct of Civil Cases by Public Prosecutors. ~~Both G.O. 8252 - Jud dt 16 & 4.2.1880 which has direct bearing on the question now raised.~~

Jt Sec (122) SW (11) 16.5.11. 16/5

5 (1) The Deputy Commr may be authorised to engage the public Prosecutor to institute Execution proceedings against the appellant in the Civil Court; — the claim of the Deputy does not seem to be in any way liable.

6) (2) As for the Sanction required, it is worth considering whether it may be given. The Instances

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 269 of 1914-4

Serial No.

have come to the notice of Govt of Cases in which proceedings were taken though there was absolutely no hope of recovering the money and also of cases in which unnecessarily large amounts were asked for towards "advances". If it is decided to delegate the powers as desired, the condition may be laid down that in all cases the opinion of the Govt Advocate should be taken.

17/5/11. SA

2nd) 7) Pass the proposed order about the recovery of the amount.

8) On the general question, ~~may be separately dealt with~~, I think that Dy Cs may be trusted to know how to proceed properly. General permission may be given with the reservation that in doubtful cases they may seek the orders

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. 269 of 1910-11

Serial No.

of fort, and that they shd be responsible that money is not wasted on bad cases. Please draft an order separately & submit for approval.

18/5/11

Submitted with a draft order sanctioning the engagement of the Public Prosecutor for appeal in the first instance

ACS (122) SN (11)
22-5-1911

22/5/11

2 To the Dy Comms. Myitkyina District

No 3250 Q 23.5.1911.

Sanctions the engagement of the Public Prosecutor to take out execution against the abetted in appeal in this Chief Court and states that separate orders will issue as regards the general permission asked for

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

(To File No. 269 of 1910-11

Serial No. 3

From the Deputy Commr. Mysore District. No 669 of 2.6.1911

Reports that the amount sought to be recovered has been paid by Krishna Chetty and Credit to Govt. and requests that an order may be passed as required for general permission asked for.

Submitted with the draft of a general order on the lines of the 2nd Councillor's note under para (8) above, and (2) A draft recording thus (22) the above report (Sl 3) is also put up.

8.6.11.

9/6/11

15/6/11.

2nd) The draft may be approved.

Dewan

23/6

Received 11/8/11 12228 27.6.11

12 draft app'd by Dewan

28/6/11

26/6/11

NOTE—Contn. sheet.

Issue

GRB—50,000—12-8-10

30/6/11

Serial No.	
4	To the Dy. Comrs of Dts, the Public Prosecutors, Bangalore, Mysore and Shimoga divisions, the Registrar, Chief Court and the Comptroller to Govt— J143-56 dt 10-7-11 Communicates that Govt are pleased to accord general permission to the Dy Comrs of Dts to refer cases like the present one to the Public Prosecutors for instituting the necessary proceedings, with the reservation that the previous orders of Govt should be obtained in doubtful cases and the Dy. Comrs of Dts should be responsible that Govt money is not wasted on bad cases.
5.	To the Dy. Commissioner, Mysore J157 dt 10-7-11: Records ~~Govt proceedings No J 3250 dt 26-9-10 J 25-5-4 and A~~ the report in Sl 3 above.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

J 2827

Serial-1.

From K. Subramanyam Esq., B.A
offg Deputy Commissioner,
Mysore District.

To C. S. Balasundaram Esq., B.A
offg Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated
Despatched 8th May 1911
Received
General No. 625
No.

Enclosure No. 2 files of papers.

Re an institution fee of Rs 225/- to be recovered from the appellants in appeal No 246 of 06-07 admitted in forma pauperis on the file of the Chief Court.

GBPM—21-9-1910—1,000.

No. 625
Enc. No. 2 Files

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 6th May 1911.

FROM

A. Subramanya Iyer Esq., B.A
offg DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S. Balasundaram Esq., B.A
offg SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

1 I have the honour to state that in appeal No 246 of 06-07 admitted in Forma Pauperis on the file of the Chief Court of Mysore, a sum of Rs 225/- is ordered to be recovered from the appellant on account of the Institution Fee which he would have paid on the memorandum of appeal had he not been permitted to appeal in Forma-pauperis.

2 The Amildar of the Mysore Taluk was directed to recover the amount. But he now reports that the appellant who owned a house in Mysore and some landed property in the Krishnarajpet Taluk sold the house to one Mannar Krishnasetty, Shroff, Palace Establishment Mysore for Rs 7700/- on the understanding that the latter should among other debts also liquidate the sum due to Government by the former on account of the Institution Fee. Copy of the Sale deed accompanies the file.

3 In spite of the service of a notice

of a notice, Maman Krishna Setty has failed to pay up the Dues.

4 The decree was passed on the 20th July 1908 and is likely to be barred by limitation on the 20th July 1911 and unless timely steps are taken on the execution side there seems no hope of recovery, as the party it seems is wilfully evading payment and even anticipating the date of limitation.

5 Under the circumstances represented and in the interest of Government I request that sanction may be accorded to engage the services of the Public Prosecutor to take steps against the defaulter for the recovery of the amount due to Government and submit a bill of costs and fees together with a report as to the result of the case.

6 Several cases of the nature crop up every now and then and if I am to obtain the sanction of Government for entrusting cases of the kind to the Public Prosecutor, it will lead to delay, resulting in certain cases in the loss of institution fee to government, if immediate action is not taken as soon as decree is passed by the Civil Courts.

7 I therefore request that I may be generally empowered to refer such cases to the Public Prosecutor for taking necessary proceedings instead of

3

making a Special reference in each individual case.

8 The files of papers bearing on the subject is herewith submitted for favour of perusal and obliging return.

I have the honour to be,
Sir,
Your most Obedient Servant,

Assistant Commissioner
for Offg Deputy Commissioner
Gth. Mysore District.

* 1 File ending with K-pet-29 Amildars No 207/1435-8/15-4/11

2 File ending into Mysore Sales Amildars No 607/673

R.I.S.-11

G.R.S. 28.]

827/24/5/13/50

Cts File No. 269-11

Serial No. 2

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(28)

, *the* 19

Date of issue 23-5-11

Signed by Sm S. Srinivasaraya

READ— Letter N 625 dated the 8th May 1911 from the Deputy Commissioner, Mysore District, requesting the Sanction of Govt for the

ORDER THEREON.—No.

engagement of the Public Prosecutor, Mysore Division, to Conduct execution proceedings ~~again~~ in Connection with the recovery

over

SUBJECT.

5.

of an institution fee of Rs 225/- due to Govt from M Basavalingappa, appellant in ~~Revenue~~ Appeal No 246 of 1906-07 admitted in forma pauperis on the file of the Chief Court

Order thereon. No 3250/ES 269-10-2 Encl record 23-5-11

Govt are pleased to authorize the Dy Comm to engage the Public Prosecutor, Mysore Division to institute execution proceedings against the said Appellant in the Chief Court. ~~The alienee of the property does not seem to be in any way liable~~

(2) Separate orders will be passed in regard to the general ~~sanction~~ permission asked for in regard to the engagement of the Public Prosecutor on all such cases without the previous sanction of Govt.

for Secy.

ad 22/5/11

Govt

SN (11) 22/5/11

to The Dy Comm. Mysore D/ returning the record.

III 4 Pub (P&S) 190 J3038 6

From

A. Subrahmanya Iyer, Esq., B.A.
Deputy Commissioner,
Mysore District.

To

C. S. Balasundaram, Esq., B.A.
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 2nd June 1911.

Despatched

Received

General No. 669
No.

Enclosure No.

Stating that the amount as instituting fee due in Appeal no. 246 of 06 on the Chief Court's file has been paid and credited in the Mysore Taluk Treasury

GBPM—21-9-1910—1,000.

No. 669.
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 2nd June 1911.

FROM

C. Srinivasamayangar Esq., B.A
Offg. DEPUTY COMMISSIONER, MYSORE DISTRICT.

To C.S. Balasundaram Iyer Esq., B.A
Offg. SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

With reference to Government Proceedings no. J. 3250/Cts. 269-10-2 of the 23rd ultimo authorizing me to engage the Public Prosecutor, Mysore to institute execution proceedings against Basava Linga Appa, appellant in appeal no. 246 of 06-07 on the file of the Chief Court of Mysore, I have the honor to state that Amildar of Mysore Taluk reports in his no. 638/498 of the 27th ultimo, that the amount due to Government viz Rs 225/- was paid by Mannar Krishna Setty who purchased the appellant's house in satisfaction of the institution fee and the same was credited in the

Mysore

Mysore Taluk Treasury under "Recoveries under pauper suits" on 27-5-1911. Hence no action was taken against the defaulter.

As regards the general permission referred to in para 2 of the Government Proceedings under reference, to engage the Public Prosecutor in all pauper cases without the previous sanction of Government orders may kindly be passed at an early date.

I have the honor to be
Sir
Your most obedient servant

Offg. Deputy Commissioner
Mysore District.

G.R.S. 28.]

3038/17

2 Courts

9

C to File No. 269-10

Serial No. 4.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(cs)

READ

, *the* 19

Date of issue 10-7-11

Printed

Signed by Sri Shrinivasayya

ORDER THEREON—No. J 143-56/cs-269-10-11.

Under Rule 4 (d)

of the Rules ~~published~~ printed with

Govt order No 1932-85-J 13798/9

dated the 16th March 1904 the

previous Sanction of Govt is

over

SUBJECT.

GPB—10,000—19-4-10

cs
8/7

10

necessary to engage the Public Prosecutors to conduct or defend Civil Suits on behalf of Govt in any Civil Court. It is represented that frequently arise cases where institution fees ordered by Civil Courts to be paid to Govt by parties in suits admitted in forma pauperis, have to be recovered by taking out execution in Civil Courts, and that it will lead to delay resulting in some cases in the loss of the Stamp revenue to Govt if the Dy Commrs are not permitted to entrust suitable cases to the Public Prosecutors. If Govt are pleased to accord general permission to the Dy Commrs to refer such cases to the Public Prosecutors for instituting the

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

necessary proceedings, with the reservation that the previous order of Govt should be obtained in doubtful cases, and that the Dy Commrs should be responsible that Govt money is not wasted on bad cases.

Print

Forsee to go

To

The Dy Commrs of Dists.

" Public Prosecutor, Bangalore, Mysore and Shimoga Divisions.

" Registrar, Chief Court of Mysore.

" Comptr to Govt.

GPB—10,000—22-2-11

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Courts), dated 10th July 1911.

No. J. 142-56—Cts. 269-10-4, dated Bangalore, the 10th July 1911.

Order.—Under Rule 4 (*d*) of the rules printed with Government Order No. 1932-85—J. 137-02-03, dated the 16th March 1904, the previous sanction of Government is necessary to engage Public Prosecutors to conduct or defend civil suits on behalf of Government in any civil court. It is represented that cases frequently arise where institution fees ordered by civil courts to be paid to Government by parties in suits admitted in *forma pauperis*, have to be recovered by taking out execution in civil courts, and that it will lead to delay resulting in some cases in the loss of stamp revenue to Government, if the Deputy Commissioners are not permitted to entrust suitable cases to the Public Prosecutors. Government are pleased, therefore, to accord general permission to the Deputy Commissioners of Districts to refer such cases to the Public Prosecutors for instituting the necessary proceedings, with the reservation that the previous orders of Government should be obtained in doubtful cases, and that the Deputy Commissioners should be responsible that Government money is not wasted on bad cases.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Public Prosecutors of Bangalore, Mysore and Shimoga Divisions.
The Registrar, Chief Court of Mysore
The Comptroller to Government.

Exd.—c. v.

1911-12

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(COURTS)

PROCEEDINGS

Dated 10th July 1911

No. J. 144-56
Cts. 269-10-4

Authorises the Deputy Commissioners of Districts to refer to the Public Prosecutors cases in which execution has to be taken for the recovery of the institution fee due to Government by parties in suits admitted in *forma pauperis*.

GPB—22-7-11—250

G.R.S. 28.] 3038/17

Ct File No. [redacted]-10

Serial No. 5

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

([redacted])

, *the* 19

Date of issue 10-7-11

Signed by [illegible]

READ— Govt Progs N° J3250-Ct.

269-10-2 dated the 23rd

May 911, sanctioning the

engagement of the Public

Prosecutor, Mysore Division

ORDER THEREON.—No.

to conduct execution

proceedings for the recovery

of the institution fee of Rs

22/- due to Govt from M.

Basavalingappa, appellant

in Appeal N° 246 of 1908 order-7

SUBJECT.

GPB—10,000—19-4-10

ed 11/7/11

on the file of the Chief Court.

(2) Letter N° 669 dated the 2nd June 1911 from the Dy Commr. Mysore District re porting that the amount referred to above has been paid and credited to Govt

Order thereon: N°. J 154/65-268-10-0 9/VI/11.

Recorded

For Secy to Govt.

To

The Dy Commr. Mysore &c

4.

Dfo Jt Cr Corr
8-6-11

ND
8/6/11